

REMARKS OF
HON. HARRY WHITE.

On the Consideration of the Question of Privilege on the Passage of the Bill making Appropriations for Rivers and Harbors, April 23, 1878.

On the question of the right of the members who voted against the bill making appropriations for rivers and harbors to place upon the record their protest the following discussion took place:
Mr. REAGAN. There is an item for surveys of rivers and we did put into this bill the authority for surveys where members came before us with evidence which showed that the rivers or harbors in question ought to be surveyed.

Mr. ROBERTS. May I ask the gentleman from Louisiana to name the unmentionable river.

Mr. ELLIS. I will spell it, K-i-s-k-i-m-i-n-e-t-a-s. [Great Laughter.]

Mr. REAGAN. Is there a dollar appropriated for that river? Or is it simply that a survey is ordered?

Mr. SPARKS. There is an order for a survey with a view to future appropriations.

Mr. WHITE, of Pennsylvania. The gentleman says he cannot pronounce these names. It is the K-i-s-k-i-m-i-n-e-t-a-s River he stumbles at. [Laughter.] The honorable gentleman's education has been sadly neglected if he cannot pronounce that name. It is a musical Indian name, having a local association, and signifies, if I rightly remember, "sprightly stream." It is one of the tributaries of the Allegheny River. The survey of the Allegheny is provided for also. Of this stream, traversing the western extent of our State from Pittsburgh up into New York, I shall speak again. Steamboats have run up this stream from Pittsburgh to Olean in New York at different seasons of the year. It is one of the arteries of our wealth, if utilized. Twenty-seven miles above Pittsburgh the Kiskiminetas, so difficult for the gentleman from Louisiana [Mr. ELLIS] to pronounce, empties into the Allegheny, being one of its main tributaries. The Kiskiminetas is formed by the junction of the Conemaugh and Loyalhanna at Saltsburgh, a town of considerable size some twenty-three miles above its mouth, and the Conemaugh, being called for a tribe of Indians of that name, has its source in the Allegheny Mountains. The Kiskiminetas and the Conemaugh form a continuous stream of some sixty miles east from the Allegheny River. If the gentleman will look at the report of the committee of the Senate of the United States, made in 1874, of which Mr. WINDOM, Senator from Minnesota, was chairman, on transportation routes to the seaboard, he will find these two rivers, Kiskiminetas and Conemaugh, mentioned and specially indicated by a distinguished engineer as links in the great chain of water communication between the Ohio and the Atlantic seaboard.

Mr. SOUTHARD. Is there a steamboat on those rivers?

Mr. WHITE, of Pa. There has been some evidence of a steamboat in former years when there was slack-water and canal navigation along these streams going up the Allegheny from Pittsburgh to the Kiskiminetas, thence to Johnstown near the head of the Conemaugh.

Mr. SPARKS. A stern-wheel, was it?

Mr. WHITE, of Pa. It was not a member of the heaviest draught, but we want the examination by the Government to see how far artificial obstructions can improve these streams for navigation, and thus add to the wealth of the country.

Mr. WRIGHT. I wish to ask my colleague a question.

Mr. WHITE, of Pa. What is the question?

Mr. WRIGHT. I wish to know what that stream is; where is the dam that is called Conemaugh, Kiskiminetas, or some such name?

Mr. WHITE, of Pa. Why the gentleman from Pennsylvania, my colleague, aspires to be the chief executive of that State, and if he does not know the location of these streams he ought not to seek such a position.

Mr. WRIGHT. I do not fish in such shallow waters for the nomination of Governor. If I had to go into the streams of Pennsylvania for it I would abandon it. [Laughter.]

Mr. WHITE, of Pa. I am glad to give the gentleman an opportunity of explaining. The people of Pennsylvania may agree with him in respect and relieve him of his fish.

Mr. WRIGHT. I do not know that these rivers have any existence.

Mr. WHITE, of Pa. I am surprised to see my colleague, who claims some intelligence and to be the special friend of the workingman and to know all about our industries, should declare that he does not know the location of the Kiskiminetas and Conemaugh Rivers.

Mr. WRIGHT. It is a new name;

I never heard of it before.

Mr. WHITE, of Pa. Whither are we drifting? The gentleman is an old democratic politician in Pennsylvania. He was famous when I was a child. He stood high in the councils of his party; so high that he presided, I believe, in 1844 over the National convention that nominated James K. Polk for President. Since then he has been in our State Legislature, member of Congress, chairman of democratic State committee, now candidate for governor, and yet does not know the location of these streams! The gentleman is older than he was, and his memory is possibly faithless to him. Let me give him a little history. Now the gentleman cannot have forgotten the Pennsylvania Canal, the Pennsylvania public works, that the democratic party in our State controlled so long and manipulated so well to perpetuate their power. The Western Division ran from Pittsburgh to Johnstown, the Western base of the Allegheny Mountains, thence over the mountains by the Portage Railroad to Hollidaysburg, thence by canal to Harrisburg, thence to Philadelphia, partly by canal and partly by rail; and when these were sold for \$7,500,000 the gentleman's party, he along with them, doubtless groaned and complained in sadness. Now, sir, the western division of this canal from Pittsburgh to Johnstown was up along the Allegheny to Freeport, thence along the Kiskiminetas and Conemaugh Rivers. They were its only feeders, and along them were a number of dams built by the State and slackwater navigation over them a portion of the way. From some time in 1830 to 1850 all the travel and traffic from Philadelphia to Pittsburgh, from early spring to late fall, was over these streams and canal. In the statute-books of our State from the commencement of internal improvements in Pennsylvania until this moment are to be found the names Kiskiminetas and Conemaugh Rivers in connection with some public legislation. My friend does not know enough of geography to be our governor, I fear.

Mr. WRIGHT. I wish to know from my colleague if a survey is ordered in the bill for these two little streams.

Mr. WHITE, of Pa. It is, and I am proud of my success in having obtained it.

Mr. WRIGHT. Are they navigable streams?

Mr. WHITE, of Pa. They can be a portion of the year, and it is practicable, in my opinion, and I have also the opinion of the most distinguished engineers that they can be made navigable the greater portion, if not the whole of the year. I want the survey to show this for my part of the State.

Mr. WRIGHT. How wide are they?

Mr. WHITE, of Pa. At high water the gentleman could not swim across them; he would lose his wind before he got across.

Mr. BRIDGES. I wish to ask the gentleman whether at low water you cannot step across them.

Mr. WHITE, of Pa. No, sir. There are ferries and fordings for horses at low water in some places across the streams. Only last week, on a trip home, missing the train and walking into Blairsville, some two miles, I had to pay a ferry-boat my ten cents to row me across the Conemaugh. This was nearly forty miles above the mouth of the Kiskiminetas. The gentleman is an old, old, democrat, too. He has forgotten his geography. He does not know his own State. Let him come away from his anthracite-coal fields of Eastern Pennsylvania and visit the great diversities of resources in Western Pennsylvania, across the mountains. Come out and see our coal-fields, our coke-ovens, our fire-brick works, our lumber-yards, our mills, our agricultural wealth, our furnaces and rolling mills run by natural gas welling up from the bowels of the earth; our oil wells, making wealth to the State and the country. Come, travel a little and learn what your State needs.

Mr. ELLIS. That is the way they slipped in so easily, being so well oiled.

Mr. BRIDGES. I know they are little insignificant streams.

Mr. WHITE, of Pa. The gentleman is an old man. I want to be respectful, but must say he does not know what he is talking about. I want it to go to the country that these gentlemen from the Eastern part of our State who have spoken are against the improvement of our rivers, are against their examination and survey, are against giving us an opportunity of showing by scientific exploration that the Allegheny, the Kiskiminetas, the Conemaugh, can be made navigable at reasonable expense, and be of immense aid to our internal commerce.

Mr. WRIGHT having occupied the floor again Mr. White replied as follows:

Mr. Speaker, I am pleased my colleague [Mr. WRIGHT] made the apologetic speech he has just closed. Something of that kind was necessary after his utterances of a few moments ago. When we started on this discussion he was unable to pronounce the euphonious word Kiskiminetas. He has been instructed by the few minutes' discourse we have had. He now rapidly pronounces that musical word smoothly and sweetly. A little more debate about our rivers and the necessities and requests of Western Pennsylvania, and the geography of my colleague from the Wilkesbarre district will im-

prove as rapidly as his pronunciation.

Now, sir, a few words about the policy of this bill. There may be some of its details objectionable and obnoxious to the severest criticism. The amount appropriated in large, not too large, I trust, to embarrass the Treasury of the country. It will be drawn out gradually and will be distributed like the dew of heaven upon all sections of the country. I have no time to dwell in detail, if so, I could indicate various objections. But, sir, this measure is in the interest of public improvement—to make available for internal commerce, at a time when labor is cheap and seeking some employment, the avenues for commercial intercourse constructed with such liberal hand by the author of our being in different parts of the country.

A few years ago we did not have bills like this so general in their character. The earlier history of the country does not give us general river and harbor appropriation bills. But, sir, the policy of Government aid in internal improvements in the development of our resources has obtained in the country for many years, and has obtained after a long struggle among the earlier statesmen. I am too young to have known Henry Clay, but I was brought up in that old whig school of politics of which he was so conspicuous an exponent; which invited the fostering, powerful hand of the Federal Government in promoting commerce among the States and with foreign nations by making more navigable our rivers, and more safe our harbors. This attractive man, a liberal statesman, as early as 1824, in discussing "a bill authorizing the President to cause certain surveys and estimates to be made on the subject of roads and canals," said:

It is said that the power to regulate commerce merely authorizes the laying of imposts and duties. But Congress has no power to lay imposts and duties on the trade among the several States. The grant must mean, therefore, something else. What is it? The power to regulate commerce among the several States, if it has any meaning, implies authority to foster it, to promote it, to bestow upon it facilities similar to those which have been conceded to our foreign trade. All the powers of this Government should be interpreted in reference to its first, its best, its greatest object—the Union of the States. And is not the Union best invigorated by an intimate social and commercial connection between all parts of the confederacy?

The subsequent practices of the Government have sanctioned this policy. But, sir, I have no time for extended remarks. There can be no doubt of the clear constitutional power of Congress to make general appropriations for the improvement of the navigation of the rivers of the country to make them convenient avenues for the trade of the people.

It is to be found in that eighth section of first article of the Constitution giving Congress "power to regulate commerce with foreign nations and among the several States." In a noted case, Gibbons vs. Ogden, 9 Wheaton, 196, Chief-Justice Marshall says:

This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed by the Constitution.

And if any doubt this there is ample authority to declare that the power to regulate commerce among the several States does not stop at State lines, but may be exercised within the territorial jurisdiction of a State. Says Justice Johnson in the same case:

The power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States. Every district has a right to participate. The deep streams which penetrate our country in every direction pass through the interior of almost every State of the Union, and furnish the means of exercising its right. If it exists within the States then the power of Congress may be exercised within a State.

So, then, sir, there is ample authority in the practices of the Government and in the direct utterances of the highest Federal court of the power of Congress to make the appropriations of the character contemplated in this bill. It is wise at a time like this to do so. Sir, labor is at a standstill in many parts of the country. He is a public benefactor who invents some useful employment for the idle thousands.

It is said we are approaching hardpan in the business of the country, indeed have arrived there; if so, let us now take a new departure on the hardpan principle. Hard-pan prices have been reached; let the Government, then, at these low rates profit as well as the private citizen. Let the nation seize the opportunity to do so much good for itself and its idle subjects. Such, then, being a wise policy, why hesitate? Why find fault? The gentleman from Pennsylvania [Mr. WRIGHT] pauses at the threshold and complains at the appropriations for the survey of the Allegheny, of the Kiskiminetas and Conemaugh in Western Pennsylvania. Why this? I have before, a few moments since, spoken of this. Let the distinct issue be made with him and others who object, right here on the record. Why shall Government aid be not given to improve the navigation of the Allegheny if it is practicable to do so?

It is a stream, not merely local in its character, rising in New York. By steamboat navigation it has long since borne commodities from Olean, from Jamestown, and other points in that State to the Ohio and Mississippi. The Allegheny and Monongahela, uniting at Pittsburgh, form the Ohio. Much of the lumber trade to Pittsburgh

comes down the Allegheny. Why, sir, steamboat navigation has existed on this stream from Pittsburgh to Olean. Steamboats have run more than six months in the year more than a hundred miles up. At this very time, as I was informed a few days since, some of the manufacturers and steamboat-owners at Pittsburgh and vicinity are raising a fund among themselves—a few thousand dollars—to dredge out the channel at what is called Garrison's Island, above Pittsburgh, which, when done, will give a clear channel and steamboat navigation to the mouth of the Kiskiminetas, twenty-seven miles above Pittsburgh. There are manufacturing at Freeport, opposite, giving a market for staves which come up the Ohio from West Virginia to Pittsburgh.

There are some two hundred thousand of these in barges lying at Pittsburgh in the Allegheny, waiting the rising of the water to go up the river to a market. A few thousand dollars judiciously expended in dredging, and possibly in the erection of a few dams, would make this stream navigable all seasons of the year. Then, sir, it penetrates the great oil region. With this river navigable to that point for barges and heavy freights it would relieve the great question to some extent of the discrimination in freights which is now so much tormenting the trade of that region of country. Sir, the improvement of this stream helps the commerce of the nation. It is a feeder of the Ohio, the Ohio of the Mississippi, and thence to the ocean. With the improvement of the Allegheny, with such aid as will make it navigable at all seasons of the year, the improvement of the Kiskiminetas and Conemaugh will follow as tributaries to the trade of the Allegheny and Ohio.

Why, sir, I hold in my hand now an official document with maps and charts. It is the report of the Senate Committee (of 1874) on Transportation Routes to the Seaboard, a Senate document. The purpose of this committee was to discover and report upon such water routes of transportation between the States and to the ocean as were cheap and practicable. I find these very rivers, Kiskiminetas and Conemaugh mentioned favorably as links in the chain from the Ohio to Delaware Bay. Hear a moment from a distinguished engineer cited in this report, page 96. The subject of great water communication seems yet to have inspired no very active interest in Pennsylvania, yet I question whether there is a State in the Union which has better claims for notice in that particular at the hands of the General Government. After explaining the question he says:

The seaboard may be reached from the Ohio by three different routes commencing at Pittsburgh. The first ascends the Allegheny River to the mouth of the Kiskiminetas, and thence by the Conemaugh reaches the Allegheny Mountains, through which a tunnel would connect the eastern and western waters, and the Valley of the Juniata would be used to reach the Susquehanna and thence the sea at our new seaport on Delaware Bay, a distance of something over four hundred miles, say four hundred and twenty-five. A canal has existed on this whole line except through the summit of the mountain, which was overcome by a portage railway.

This route was spoken of favorably by the Senate committee. This engineer, who is more familiar with our State than my colleague, is Colonel James Warrall, who is in full life and activity. It was wise then in this bill to provide for the survey of these streams and call for an estimate from scientific engineers of the expense of their utilization for constant navigation. I have no time to dwell.

In answer to a question as to whether these were not inconsiderable streams, Gen. White replied that they were not—that they were important, and could be made valuable for internal commerce.

Mr. Wright asked how large the streams were, to which Gen. White replied "Not less than three hundred feet across."

On account of the expiration of the time set apart for the discussion of this question, it was here closed.

AN ORDINANCE,

PREScribing the method of building SIDEWALKS IN TIONESTA BOUGH.

Be it ordained by the Town Council of the Borough of Tionesta, and it is hereby ordained by authority of the same:

That on and after Monday, the 20th day of April, A. D. 1878, it shall be the duty of all persons owning or occupying property in Tionesta, when building new sidewalks as the same may be needed, or when required to do so by the proper borough authorities, to build all such sidewalks as hereinafter prescribed, viz:

All sidewalks shall be five feet three inches wide, of pine or oak plank, one and one-half inches thick, nailed crosswise of the walk to three oak stringers, with not less than five 20-D nails in each and every plank. Said stringers are to be two and one-half inches by five inches, set in, or halved into oak or chestnut posts, and nailed thereto by 40-D spikes; said posts to be set into the ground not less than two and one-half feet, and where the ground is wet and swampy, three feet. The posts are to be set apart five feet four inches from centre to centre of the posts. The posts to be not less than six inches in diameter. The outside stringers are to be five feet apart, measuring from the outside of each stringer.

Provided, however, that property owners shall be permitted to build walks of brick or flag stone, with the proper foundations, of above width.

All ordinances or parts, inconsistent with this, are hereby repealed.

Passed and approved April 29, A. D. 1878. W. R. DUNN, Burgess.

Attest: J. T. BRENNAN, Clerk.

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a. m. p. m. a. m. p. m. a. m. p. m. a. m. p. m.
Pittsburgh 8:50 2:30 8:40 8:10 2:55 6:45
W. Penn 10:00 4:05 10:50 7:00 1:40 5:00
Kittanning 10:38 4:44 11:45 6:29 12:58 4:50
R. E. W. Juni 11:18 5:35 12:55 5:10 11:47 2:55
Brady Bend 11:33 5:49 1:30 5:18 11:33 2:10
Parker 12:10 6:25 2:35 4:45 10:50 12:40
Emulton 12:52 7:10 3:05 4:30 10:30 12:00
Scrubgrass 1:33 7:54 4:32 3:33 9:42 10:45
Franklin 2:08 8:35 5:37 2:50 9:02 9:41
Oil City 2:35 9:05 6:30 2:20 8:25 8:25
Ronsville 2:55 9:25 7:01 1:42 8:04 8:10
Titusville 3:37 10:20 7:55 12:50 7:10 7:30
Corry 4:47 11:10 11:40 6:55
Mayville 6:14 11:00 10:10 6:02
Buffalo 8:05 12:05 9:55 12:40
Oil City 2:30 8:25 1:16 8:00
Oleopolis 3:17 8:54 12:27 7:47
Eagle Rock 3:37 9:05 12:01 7:16
Tionesta 4:25 9:32 11:07 6:47
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